S.B. Criminal Misc. III Bail Application No.5120/2006
Date : 15.11.2006

**HON'BLE MR.SATYA PRAKASH PATHAK, J.**

Mr. S.S. Shaktawat for the applicant.
Mr. Vishnu Kachhawaha, Public Prosecutor.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that in this case in all six witnesses have been examined and the accused applicant was not caught at the spot and was also not identified. He submits that in secret information there is no name of the accused applicant. He further submits that independent witnesses have been turned hostile and not supported the prosecution story and even the witness who was member of the raiding party has also not identified the applicant, therefore, his case may be considered for bail.

On the other hand, learned Public Prosecutor has opposed the bail application.

I have considered the submissions made before me.

Without expressing any opinion on the merit of the case while taking into consideration the overall facts and circumstances of the present case, I think it just and proper to enlarge the accused applicant on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that applicant Gajendra Singh s/o Shambhu Singh shall be released on bail in FIR No.418/2005 P.S. Nimbahera, Chittorgarh, provided he executes a personal bond in the sum of Rs.30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

**(SATYA PRAKASH PATHAK), J.**